

**REMARKS**

Claims 19, 21-24, 26-29 and 31-33 remain pending in the application, with claims 1-18, 22, 25 and 30 being canceled previously.

The Applicants respectfully request that the Examiner reconsider earlier rejections in light of the following amendments and remarks. No new issues are raised nor is further search required as a result of the changes and remarks made herein. Entry of the Amendment is respectfully requested.

**Claims 19, 21-24, 26-29 and 31-33 over Atkinson and Chen**

Claims 19, 21-24, 26-29 and 31-33 were rejected under 35 USC 103(a) as allegedly being obvious over U.S. Pat. No. 5,511,122 to Atkinson in view of U.S. Pat. No. 7,062,556 to Chen et al. ("Chen"). Applicants respectfully traverse the rejection.

Claims 19, 21-24, 26-29 and 31-33 recite a system and method of routing a message from a message router to a particular protocol gateway based on (i) a determined **least recently used protocol gateway** and (ii) a **particular protocol utilized by a client device** associated with the message.

Thus, claims 19, 21-24, 26-29 and 31-33 require routing that is based on TWO criteria, a determined **least recently used protocol gateway** and (ii) a particular **protocol utilized by a client device** associated with the message. As discussed in detail below, the Examiner cited reference at best teach routing that is based on a single criteria, a least recently used server – the server not performing any protocol gateway functions.

The Examiner relies on Chen to allegedly teach a load balancer module to determine a historical record for a plurality of servers comprising a last recently used server supporting a protocol of a source of a message. (see Office Action, page 4) The Examiner relies on Chen at col. 2, lines 15-19 and col. 5, lines 4-13 to allegedly teach the acknowledged deficiencies in Atkinson. (see Office Action, page 4) The Applicants respectfully disagree.

Chen at col. 2, lines 15-19 and col. 5, lines 4-13 teaches:

Typical examples of static load distribution are Round Robin,

uniform or random distribution, and probabilistic distribution which includes assigning or transferring a request to server  $i$  with probability  $p_{sub,i}$ , which are pre-determined.

There are many load-balancing algorithms that can be found in the prior art literatures. Most of them fall into the dynamic load-balancing category. In general, these algorithms are derived from one of more canonical algorithms. Round Robin and random distribution load balancing perform similarly, providing that the clients distribute requests to servers independently. Round-robin distribution is to have each client distribute traffic load to servers (assuming  $N$  servers)  $1, 2, \dots, N, 1, 2, \dots, N, 1, 2, \dots, N$  in a round-robin way. Random distribution is to have each client distribute traffic load to servers in a uniformly random way. By far, these two are the most common ones.

Thus, Chen teaches load balancing for distributing client traffic to servers. Chen fails to take into consideration a **particular protocol utilized by a client device**, much less routing a message from a message router to a particular protocol gateway based on (i) a determined **least recently used protocol gateway** and (ii) a **particular protocol utilized by a client device** of the message, as recited by claims 19, 21-24, 26-29 and 31-33.

Moreover, modifying Atkinson with Chen's load balancing of servers would still fail to teach load balancing of **protocol gateways**, i.e., a least recently used protocol gateway. Atkinson theoretically modified by the teachings of Chen would at best result in Atkinson load balancing for **distributing client traffic to servers** – not load balancing for **protocol gateways**, much less routing a message from a message router to a particular protocol gateway based on (i) a determined **least recently used protocol gateway** and (ii) a **particular protocol utilized by a client device** associated with the message, as recited by claims 19, 21-24, 26-29 and 31-33.

Atkinson and Chen, either alone or in combination, fail to disclose, teach or suggest routing a message from a message router to a particular protocol gateway based on (i) a determined **least recently used protocol gateway** and (ii) a **particular protocol utilized by a client device** associated with the message, as recited by claims 19, 21-24, 26-29 and 31-33.

For at least all the above reasons, claims 19, 21-24, 26-29 and 31-33 are patentable over the prior art of record. It is therefore respectfully

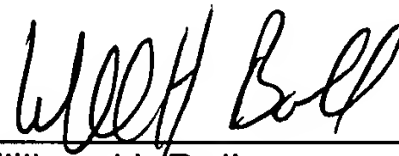
Bonefas - Appln. No. 09/739,844

requested that the rejection be withdrawn.

**Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William H. Bollman", written over a horizontal line.

William H. Bollman

Reg. No.: 36,457

Tel. (202) 261-1020

Fax. (202) 887-0336

**MANELLI DENISON & SELTER PLLC**

2000 M Street, N.W. 7<sup>th</sup> Floor

Washington D.C. 20036-3307

WHB/df